

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

07 CV 6062 (GEL)

SCAN AM TRANSPORT A/S,

Plaintiff,

-vs-

M/V GOLDEN CLOUD, etc., et ano.,

Defendants.

DEFENDANT, EVERGREEN MARINE
CORP.'S NOTICE OF MOTION TO
DISMISS PLAINTIFF'S CLAIMS AS
TIME BARRED

PLEASE TAKE NOTICE that the undersigned will move this Court before the Hon. Gerard E. Lynch at the Courthouse at 500 Pearl Street, New York, NY for an order:

A. Pursuant to F.R.Civ.P. 12(c) dismissing the claims against it as time barred under 46 U.S.C. 30701, HISTORICAL AND STATUTORY NOTES, Sec. 3(6) [formerly 46 U.S.C.App. 1303(6)] and the applicable bills of lading; and

B. For such other and further relief as to the Court may seem just and proper.

Pursuant to stipulation between the parties and order of the Court, your opposing papers shall be served not later than January 8, 2008.

Dated: New York, NY, December 6, 2007

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By: /s/ Paul M. Keane
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